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BEFORE THE BOARD OF OIL, GAS AND MINING

DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

CO-OP MINING COMPANY,	:	
Petitioner,	:	AMENDED RESPONSE
vs	:	
DIVISION OF OIL, GAS AND	:	Docket No. 85-053
MINING,	:	Cause No. ACT/015/025
Respondent.	:	

Respondent, the Division of Oil, Gas and Mining ("Division"), and by and through its undersigned attorney, hereby amends the response previously filed in this matter.

The statement made in paragraph three of the Division's Response is in error to the extent that the cessation order numbered C84-7-1-1 is not a "failure-to-abate" citation, but was written as a result of an inspector determination that Co-op Mining Company was mining outside of its designated permit area.

In addition, paragraph five of the Response should be modified to delete the word "remaining." The Division denies all of the allegations contained in paragraph four of the Petition.

The remainder of the previously filed Response is unchanged.

The Amended Response, therefore, is as follows:

1. The Petition fails to state a claim upon which relief can be granted.

2. Respondent denies the allegations contained in paragraph one of the Petition.

3. With respect to paragraph two of the Petition, Respondent admits that the violation occurred, but denies the remaining allegations. Respondent affirmatively alleges that the designation of N84-7-1-1 for this citation is in error and that the correct designation for this cessation order is C84-7-1-1.

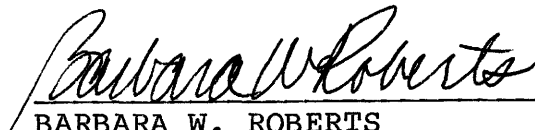
4. With respect to paragraph three of the Petition, Respondent admits that ice had formed in a culvert but denies the remaining allegations.

5. Respondent denies the allegations contained in Paragraph four of the Petition.

6. With respect to paragraph five of the Petition, Respondent admits that a failure-to-abate cessation order was issued as a result of Co-op's failure to abate notice of violation N85-4-13-1 but affirmatively alleges that the proper designation of that Cessation Order is C85-4-4-1. Respondent denies the remaining allegations contained in Paragraph five of the Petition.

WHEREFORE, the Division re-asserts its request that Petitioner's prayer for relief be denied and that the Petition be dismissed with prejudice.

Respectfully submitted this 17th day of October, 1985.


BARBARA W. ROBERTS
Assistant Attorney General

MAILING CERTIFICATE

This is to certify that a true and correct copy of the foregoing Amended Response was mailed first class, postage pre-paid, to Carl Kingston, Attorney at Law, 53 West Angelo Avenue, P.O. Box 15809, Salt Lake City, Utah 84115 this 17th day of October, 1985.

